

Application Serial No.: 10/646,192
Attorney Docket No.: 0260257

REMARKS

This is in response to the *Advisory* Office Action of January 24, 2011, where the Examiner has rejected claims 30-34, 41 and 170-177. By the present amendment, applicant has cancelled claims 30-34, 41 and 170-177, and added new claims 178-193. After the present amendment, claims 178-193 will be pending in the present application. In view of the following remarks, applicant respectfully requests an early notice of allowance for claims 178-193.

A. New Claims 178-193

By the present amendment, applicant has added new independent claims 178, 182, 186, and 190, and their respective dependent claims 179-181, 183-185, 187-189 and 191-193.

For example, independent claim 178 and its dependent claims 179-181 at least find support in the following paragraphs in the written description:

[0014] Movies transmitted to the set-top box also come with associated information that defines certain characteristics of the movie. This associated information is called metadata. For example, a movie may have an associated start and end date or time which limits the time period in which a movie can be viewed. A movie may arrive and be stored in the set-top box, however it may have a start date associated with it which does not allow it to be viewed until that date. This allows for any discrepancies in transmission times for movies that may vary from one location to another, and also allows for movies such as new releases to be "pre-loaded" and immediately available on the official release date. Similarly, the content provider may supply an end date associated with a movie, after which date the movie can no longer be viewed, and is automatically deleted from the set-top box.

[0058] Interstitial data is another type of data that is transmitted to the set top box. Interstitial data in this context refers to content not delivered with a movie, which is intended for use, for example, in the Barker Channel. In the metadata, interstitials are expressed in the INTERSTITIAL element. Interstitial data may have a contract begin date/time and contract end date/time. On delete of interstitial must also

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delete db entries, video, audio, indexes, etc. Net effect on total disk space used after movie arrival and deletion should be 0.

[0182] Metadata governs many aspects related to the content on the set top box. The metadata defines many of the rules by which content on the set top box is managed. For example, a movie may have an associated start and end date or time which limits the time period during which a movie can be viewed. A movie may arrive and be stored in the set-top box, however it may have a start date associated with it which does not allow it to be viewed until a later date. This allows for any discrepancies in transmission times for movies that may vary from one location to another, and also allows for movies such as new releases to be "pre-loaded" and immediately available on the official release date. Similarly, the content provider may specify an end date associated with a movie, after which date the movie can no longer be viewed, and is automatically deleted from the set-top box.

[0010] In an exemplary embodiment of the present invention, the set top box is located in a person's home, connected to their television using standard video cables. The set top box has an antenna which receives data via the broadcast television signal. The set top box has, preferably, at least an 80 Gigabyte hard drive for storing a plurality of movies. The set-top box has a modem which the set-top uses to periodically contact the service provider. Information passed between the service provider and the set-top via the modem includes, for example: the users "Viewing/Rental History" which is used for billing purposes, set-top performance logs which are used to monitor the performance of the system and "Movie Keys" which are used decrypt the movies. Though "Movie Keys" are transmitted over the modem, the telephone line and modem are not used for transmitting movie files themselves.

Applicant respectfully submits that claims independent claims 182, 186 and 190, and their respective dependent claims 183-185, 187-189 and 191-193, also have limitations similar to those of claims 178-181.

As an example, independent claim 178 recites:

A method of providing media data to a set-top box by a content provider, the method comprising:

selecting the media data having a media content and media metadata by the content provider; and

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wirelessly broadcasting the media data to the set-top box after the selecting for automatic assembly and storage of the media data on the set-top box;

wherein the metadata include an end date for automatic deletion of the media content from the set-top box.

Applicant respectfully submits that the cited references fail to disclose the limitations of new claim 178. In prior Office Actions, the Examiner had cited Paragraph [0144] of Hunter (US 2002/0056118) to show that Hunter discloses elements of original claim 10 of the present application, which recited, in part, "effecting removal of the movie data representing one or more movies stored on the set top box at a time determined by the content provider." For example, Page 12 of the *Final* Office Action, dated January 22, 2010, read:

effecting removal of the movie data representing one or more movie stored on the set top box at a later time based on one or more factors including: programming stored in the set top box, signal information assembled from the movie data or a combination thereof (effecting removal of the movie data representing one or more movie stored on the set top box at a later time based on one or more factors including: storage is full, or time period (e.g., one week) is expired, etc. - see include, but not limited to, par. 0139, 0141-0144, 0161).

Paragraph [0144] of Hunter provides:

FIG. 15 also shows portions of central controller 36 that store and analyze customer preference information and customer order information, and generate from that information the individualized "customer catalog" that determines which movies will be automatically downloaded at that customer's user station. To this end, controller 36 includes an individual customer preference information storage module 320, a general population cluster preference database 330 and a customer catalog generator module 340. Each customer's preference information is entered in the manner described above via the graphical user interface and is communicated to module 220 by phone/modem. In addition, the preference information of the entire customer population (or some subset thereof), as well as order data, is stored in module 330. Information from modules 320 and 330 is analyzed to create an individual "customer catalog" for each customer via

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module 340. The individual customer catalog data is communicated to the user station in each customer household and serves to assure that those movies that best fit the preference customer profile are the ones that are downloaded to storage module 230. While a first-in, first-out protocol may be used for overwriting onto the hard drive of module 230, the customer catalog information may serve to establish a different protocol that will overwrite the less likely to be purchased movies ahead of those recordings which, by analysis at module 340, show more promise of being viewed by the customer. Certain new release movies in high demand within the customer's primary areas of interest may be designated to remain in storage for a minimum period of time, say one week, regardless of the "traffic" through storage module 230. (emphasis added.)

Now, turning to new claim 178, it provides "wherein the metadata include an end date for automatic deletion of the media content from the set-top box." Applicant respectfully submits that these limitations are not disclosed, taught or suggested by Hunter, because Hunter teaches a first-in/first-out algorithm for deletion, and also a minimum period during which a movie cannot be deleted; however, Hunter falls short of disclosing, teaching or suggestion that a metadata is provided that indicates the end date for automatic deletion of the media content. It is respectfully submitted that an indication of a minimum period does not disclose when the media content is to be deleted, but just a prohibition against deletion during a period of time. Therefore, claim 178 is patentably distinguishable over Hunter and other cited references.

Furthermore, dependent claim 181 recites "transmitting decryption keys for decrypting the media content via a wired connection to the set-top box." It is respectfully submitted that the cited references also fail to disclose, teach or suggest that the media content is wirelessly broadcast, and that the decryption keys for decrypting the media content are provided via a wired connection to the set-top box.

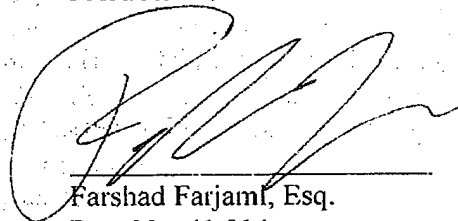
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Accordingly, at least for the reasons stated above, applicant respectfully submits that independent claim 178, and its dependent claims 179-181, should be allowed. Further, independent claims 182, 186 and 190, and their respective dependent claims 183-185, 187-189 and 191-193, also have limitations similar to those of claims 178-181, and should be allowed for the reasons stated above.

B. Conclusion

Based on the foregoing reasons, an early Notice of Allowance directed to all claims 178-193 pending in the present application is respectfully requested.

Respectfully Submitted,
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